

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 836

Introduced by Senator Oropeza

(Principal coauthor: Senator Alquist)

(Principal coauthor: Assembly Member Evans)

*(Coauthors: Senators DeSaulnier, Hancock, Leno, Padilla, Romero,
and Wiggins)*

*(Coauthors: Assembly Members Blumenfeld, Buchanan, Coto, Huffman,
Hill, Lieu, Ma, Portantino, Salas, Saldana, Torres, and Torrico)*

January 4, 2010

An act to amend Section 104150 of the Health and Safety Code, relating to breast cancer screening, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 836, as amended, Oropeza. Breast cancer screening: expanded coverage.

Existing law requires the State Department of Public Health to provide breast cancer and cervical cancer screening services *to eligible low-income individuals* under a federal grant made under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program ~~to eligible low-income individuals~~. Funding for these services is provided by a combination of federal and state moneys.

Existing law requires these services to be provided at the level of funding budgeted from state and other resources during the fiscal year in which the Legislature has appropriated funds to the department for this purpose.

This bill would, insofar as consistent with federal law and without jeopardizing federal funding, require the department to provide breast cancer screening *and diagnostic* services to individuals of any age who are exhibiting symptoms, with a physician's recommendation, and individuals 40 years of age or older, provided the individual otherwise meets the state eligibility requirements.

This bill would appropriate \$_____ to fund *an unspecified amount to the department for the breast and cervical cancer early detection program.*

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 104150 of the Health and Safety Code
2 is amended to read:

3 104150. (a) A provider or entity that participates in the grant
4 made to the department by the federal Centers for Disease Control
5 and Prevention breast and cervical cancer early detection program
6 established under Title XV of the Public Health Service Act (42
7 U.S.C. Sec. 300k et seq.) in accordance with requirements of
8 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render
9 screening services under the grant to an individual if the provider
10 or entity determines that the individual's family income does not
11 exceed 200 percent of the federal poverty level.

12 (b) (1) The department shall provide for breast cancer and
13 cervical cancer screening services under the grant at the level of
14 funding budgeted from state and other resources during the fiscal
15 year in which the Legislature has appropriated funds to the
16 department for this purpose. These screening services shall not be
17 deemed to be an entitlement.

18 (2) Insofar as consistent with federal law and without
19 jeopardizing federal funding for the program, the department shall
20 provide breast cancer screening *and diagnostic* services to
21 individuals of any age who are symptomatic, with a physician
22 recommendation, and to individuals who are 40 years of age or
23 older, provided that the individual otherwise meets the state
24 eligibility requirements described in this section.

25 (c) To implement the federal breast and cervical cancer early
26 detection program specified in this section, the department may

1 contract, to the extent permitted by Section 19130 of the
2 Government Code, with public and private entities, or utilize
3 existing health care service provider enrollment and payment
4 mechanisms, including the Medi-Cal program’s fiscal intermediary.
5 However, the Medi-Cal program’s fiscal intermediary shall only
6 be utilized if services provided under the program are specifically
7 identified and reimbursed in a manner that does not claim federal
8 financial reimbursement. Contracts with, and the utilization of,
9 the Medi-Cal program’s fiscal intermediary shall not be subject
10 to Chapter 3 (commencing with Section 12100) of Part 2 of
11 Division 2 of the Public Contract Code. Contracts to implement
12 the federal breast and cervical cancer early detection program
13 entered into by the department with entities other than the Medi-Cal
14 program’s fiscal intermediary shall not be subject to Part 2
15 (commencing with Section 10100) of Division 2 of the Public
16 Contract Code.

17 ~~SEC. 2. An appropriation is hereby made from the General
18 Fund in the amount of _____ dollars (\$_____) to fund the breast and~~

19 *SEC. 2. There is hereby appropriated from the General Fund*
20 *to the State Department of Public Health, the sum of _____ dollars*
21 *(\$_____) for the breast and cervical cancer early detection program*
22 *created in Article 1.3 (commencing with Section 104150) of*
23 *Chapter 2 of Part 1 of Division 103 of the Health and Safety Code.*